

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ADOLFO BAUTISTA HERRERA,

Plaintiff,

v.

GRAND SPORTS ARENA, LLC, D/B/A
CHICAGO MUSTANGS PRO, MASL
SOCCER, LLC D/B/A MAJOR ARENA
SOCCER LEAGUE AND/OR MASL
SOCCER PRO, XOCHITL MEZA, and
ARMANDO GAMBOA, individually,

Defendants.

Case No. 17-CV-00452

Judge: Robert M. Dow, Jr.

Magistrate Judge: M. David Weisman

**PLAINTIFF'S MOTION TO AMEND JUDGMENT
AND RENEWED MOTION FOR ENTRY OF JUDGMENT**

Plaintiff, Adolfo Bautista Herrera ("Bautista"), by and through his attorneys, Caffarelli & Associates, Ltd., moves this Honorable Court pursuant to Fed. R. Civ. P. 68(a) to amend the final judgment entered against Defendants Grand Sports Arena, LLC, d/b/a Chicago Mustangs Pro, Xochitl Meza, individually, and Armando Gamboa, individually, to reflect an amended judgment in the total amount of \$101,372.50, pursuant to the Acceptance of Offer of Judgment filed on March 9, 2018, D.E. 54 and judgment entered on December 18, 2018 (D.E. 68). Plaintiff also renews his Motion for Entry of Judgment, D.E. 55. In support of his motion, Plaintiff states as follows:

1. On March 5, 2018, Defendants Grand Sports Arena, LLC, d/b/a Chicago Mustangs Pro ("GSA"), Xochitl Meza ("Meza"), individually, and Armando Gamboa ("Gamboa"), individually, served Plaintiff with an Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure, attached hereto as Exhibit A.

2. Pursuant to Rule 68(a), Plaintiff accepted the Offer of Judgment in writing and filed the Acceptance of Offer of Judgment with the Court on March 9, 2018. (D.E. 54.)

3. On March 22, 2018, Plaintiff filed his Motion for Entry of Judgment pursuant to Rule 68(a), in which he asked the Court to enter judgment in the amount of \$37,600 jointly and severally against Defendants GSA, Meza, and Gamboa. (D.E. 55.) Plaintiff sought leave to file a fee petition, which the Court subsequently granted.

4. The Court never issued an order for Plaintiff's Motion for Entry of Judgment (D.E. 55).

5. On December 11, 2018, the Court granted Plaintiff's fee petition and awarded \$63,372.50 in attorneys' fees and \$400 in costs. (D.E. 66.) The Memorandum Opinion and Order states: "the Court shall enter final judgment in accordance with the accepted offer of judgment [54; 54-1] ... and this opinion no later than December 21, 2018 and close the case." (D.E. 66 at 12.)

6. On December 18, 2018, the Court entered final judgment in favor of Plaintiff and against Defendants Grand Sports Arena, LLC, d/b/a Chicago Mustangs Pro, Xochitl Meza, individually, and Armando Gamboa, individually reflecting the award of attorneys' fees and costs, but did not reflect the \$37,600.00 awarded to Plaintiff via the accepted offer of judgment. (D.E. 68, 54, 54-1.)

7. Rule 68(a) states "[i]f, within 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk **must** then enter judgment." (*Emphasis supplied.*) The use of "must" in Rule 68(a) reflects a mandatory, not discretionary obligation.

WHEREFORE, Plaintiff, Adolfo Bautista Herrera, respectfully requests that this Honorable Court amend the final judgment entered against Defendants Grand Sports Arena, LLC, d/b/a Chicago Mustangs Pro, Xochitl Meza, individually, and Armando Gamboa,

individually, jointly and severally, on December 18, 2018 to include the \$37,600 awarded to Plaintiff pursuant to the accepted Offer of Judgment (D.E. 54, 54-1) along with \$63,372.50 in attorney's fees and \$400.00 in costs (D.E. 66, 68) for an amended judgment in the total amount of \$101,372.50.

Dated: January 9, 2019

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Respectfully submitted,
ADOLFO BAUTISTA HERRERA

By: /s/ Alejandro Caffarelli
One of Plaintiff's attorneys

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he caused a copy of the attached, **Plaintiff's Motion to Amend Judgment and Renewed Motion for Entry of Judgment**, to be served upon the party below by electronically filing with the Clerk of the U.S. District Court of the Northern District of Illinois on January 9, 2019.

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